

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

Roanoke Division

CHARLES GREGG-EL #1001517,

Plaintiff,

v.

CIVIL ACTION NO. 7:16cv00038

JOHN DOE HEALTH SERVICES DIRECTOR,
VIRGINIA DEPARTMENT OF CORRECTIONS, et al.,

Defendants.

AFFIDAVIT

State of Virginia, County of Grayson, to-wit:

A. MULLINS, first being duly sworn, states as follows:

1. I am the Major at River North Correctional Center (RNCC).
2. I base the information contained in this affidavit on personal knowledge and records maintained in the regular and ordinary course of business.
3. I have been informed of this lawsuit filed by offender Charles Gregg-El (#1001517), and his allegations that I falsified documents making him ineligible for a job assignment and that I would not allow him to use a knee brace.

4. Our institutional policy stipulates that an offender may not be assigned to a job in the Support Building¹ if he has been convicted of a sex offense and has served less than 10 years with the VDOC. Sex offenders must not have any sex-related disciplinary convictions in order to qualify for a job in the Support Building.

5. Offender Gregg-El was received by the VDOC on March 5, 2002, and is currently serving a Life sentence plus 10 years and 35 days for convictions of Robbery, Malicious Wounding, Indecent Exposure and Assault and Battery. His institutional charges include convictions for Indecent Exposure, Lewd or Obscene Acts and Threatening to Commit/Making Sexual Advances toward a Non-offender. Based on these convictions, offender Gregg-El is not a good candidate for a job in the institution's Support Building.

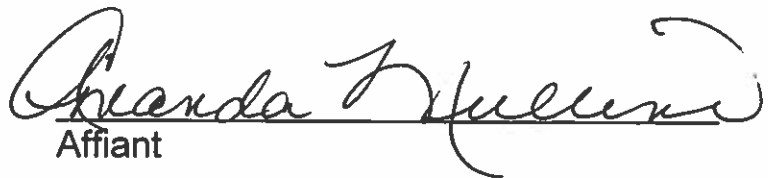
6. With regard to Gregg-El's leg brace, I am aware that offender Gregg-El was provided a knee brace during his visit with an orthopedic physician on August 24, 2015. However, the brace contained two large metal plates and was not allowed in a general population housing assignment for security reasons. The metal plates were not visible to the eye and could be removed and fashioned into a weapon. Canes and

¹ The area of RNCC that includes offices of administrative and support staff.

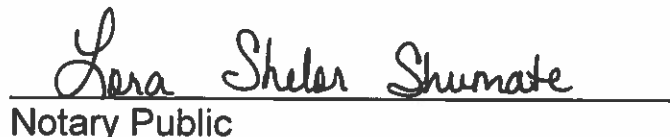
crutches are clearly visible to security staff. Gregg-El was advised that he could be housed in our medical unit if he chose to wear the brace, but he refused to do so. Nevertheless, he was provided a brace without metal plates by medical staff.

7. My decisions regarding offender Gregg-El were not made in retaliation for his grievances and complaints. Offender grievances and lawsuits are a usual and customary aspect of corrections administration. I do not retaliate against offenders for their grievances and legal actions.

A. MULLINS


Affiant

Sworn and subscribed to before me, a Notary Public, in and for the State of Virginia, County of Grayson, this 2nd day of May 2016.


Notary Public

My commission expires: January 31, 2019

